

**RESOLUTION ESTABLISHING THE SHADY SIDE VILLAGE
RESIDENTIAL PLANNED COMMUNITY FLOATING ZONE**

WHEREAS, pursuant to Section ZS 1-315 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, Hugh Cropper, IV, attorney on behalf of Kathleen Clark, owner, has filed an application for the establishment of a Residential Planned Community (RPC) Floating Zone on approximately 4.82 acres of land shown on Tax Map 26 as Parcel 157, located on the southerly side of MD Route 707 (Old Bridge Road), west of Greenridge Lane, in the Tenth Tax District of Worcester County, said residential planned community designated as Shady Side Village RPC; and

WHEREAS, the said application was referred to the Worcester County Planning Commission which gave the application a favorable recommendation during its review on March 5, 2020; and

WHEREAS, subsequent to a public hearing held on June 16, 2020, following due notice and all procedures as required by Sections ZS 1-315, 1-113, and ZS 1-114 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners made the finding that the establishment of a Residential Planned Community Floating Zone on the subject property would be compatible with the Worcester County Comprehensive Plan and the Worcester County Zoning and Subdivision Control Article.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, that the land partitioned by Hugh Cropper, IV, on behalf of Kathleen Clark, shown on Tax Map 26 as Parcel 157, and consisting of approximately 4.82 acres of land, is hereby approved and established as a Residential Planned Community Floating Zone in accordance with the provisions of §ZS 1-315 of the Worcester County Zoning and Subdivision Control Article.

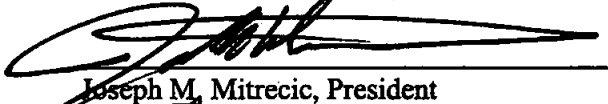
AND, BE IT FURTHER RESOLVED that the effective date of this Resolution shall be nunc pro tunc, June 16, 2020.


PASSED AND ADOPTED this 7TH day of JULY, 2020.

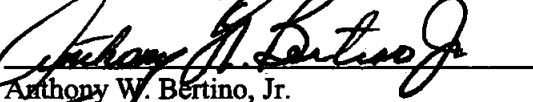
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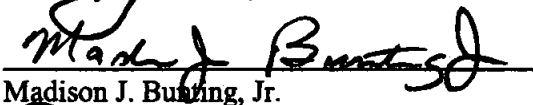

Harold L. Higgins
Chief Administrative Officer

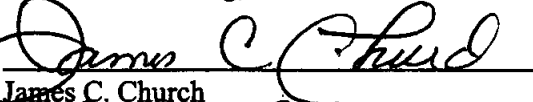
COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND


Joseph M. Mitrecic, President



Theodore J. Elder, Vice President


Anthony W. Bertino, Jr.


Madison J. Bunting, Jr.


James C. Church


Joshua C. Nordstrom


Diana Purnell

IN THE MATTER OF THE REQUEST *
 FOR ESTABLISHMENT OF A *
 RESIDENTIAL PLANNED COMMUNITY * SHADY SIDE VILLAGE
 FLOATING ZONE *
 KATHLEEN CLARK *
 BERLIN, MARYLAND *

FINDINGS OF FACT

Subsequent to a public hearing held on June 16, 2020 and after a review of the entire record, all pertinent plans and all testimony, the Worcester County Commissioners hereby make the following findings as the County Commissioners' findings of fact pursuant to the provisions of §ZS 1-315(k)(2)A.4 of the Worcester County Zoning Ordinance. These findings are made relative to the request submitted by Kathleen Clark for the establishment of a residential planned community (RPC) floating zone for the proposed RPC project known as Shady Side Village. Furthermore, these findings are made relative to the Step I plan as submitted as part of the original application.

Regarding the relationship of the RPC with the Comprehensive Plan, zoning regulations and other established policy guidelines: The County Commissioners find that subject property is currently in the "Existing Developed Areas" land use category of the Comprehensive Plan. One aspect of this land use category is to identify areas to be utilized for infill residential development. The project is consistent with surrounding densities and type of development. It is also providing protection to the sensitive wetland areas and the Critical Area buffer that are an important environmental feature. Connectivity to main transportation networks are another feature of the proposed development that are consistent with the Comprehensive Plan. Access will be via a single commercial entrance onto MD Route 707 (Old Bridge Road), therefore limiting multiple points of access.

Relative to consistency with the zoning regulations, the County Commissioners find that the project site is zoned R-4 General Residential District, the R-4 District being a zoning classification in which residential planned communities are permitted. It also finds that the project as proposed complies with those requirements cited in §ZS 1-315 relative to maximum density, maximum limitation for residential uses, minimum requirement for common use open

space and recreational areas, and types of permitted uses. The County Commissioners therefore conclude that the submittals relative to the proposed project comply with the requirements cited in §ZS 1-315(k)(2)A1.

Regarding the general location of the site and its relationship to existing land uses in the immediate vicinity: The County Commissioners find that the subject property is located on the southerly side of MD Route 707 (Old Bridge Road), west of Greenridge Lane. The County Commissioners find that this area can best be characterized as mainly residential land uses of varying types. The R-4 General Residential District encourages infill development and higher densities to encourage traditional neighborhood development while still utilizing conservation features in its design. The County Commissioners conclude that the proposed use as a townhouse development is consistent with existing land uses in the vicinity.

Regarding the availability and adequacy of public facilities, services and utilities to meet the needs of the RPC and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services: The County Commissioners find that the properties proposed to be developed into the Shady Side Village RPC are presently zoned R-4 General Residential District. The surrounding developed lands are similarly zoned for residential uses. Due to the sites' R-4 General Residential District zoning classification, a townhouse development at a density of eight dwelling units per one acre is permitted by zoning. Furthermore, residential planned communities of the same density are permitted by that zoning district. Thus, the proposed density of 7.7 dwelling units per acre was anticipated for this immediate vicinity. In addition, the development proposes to cluster the residential dwelling units in an effort to avoid the 100' Critical Area buffer while preserving the existing forested areas and wetlands, which is encouraged by the Comprehensive Plan. As part of the Critical Area buffer establishment requirements, the entire buffer will be required to be planted.

Relative to certain public facilities, public water and sewer is available to serve the proposed development; nine (9) additional sewer EDUs will need to be transferred to the property from the West Ocean City Sanitary Service Area and thirty-seven (37) water EDUs will need to be purchased from the County from the Mystic Harbour Sanitary Service Area. The County Commissioners conclude that the proposed Shady Side Village RPC will not have an adverse long-term implication on development patterns in the area and there are adequate public facilities, services and utilities to serve the proposed development without any significant impacts to public facilities or services.

Regarding the consistency of the RPC with the general design standards as contained in Subsections (j)(1) through (j)(5): The County Commissioners find that the development has taken steps to protect the sensitive areas on the subject property, such as the tract of existing forested areas and non-tidal wetlands located within the 100' Critical Area buffer. The open

space provided exceeds the minimum required under the RPC regulations. The plan has been revised to remove the active open space and outdoor units (HVAC) associated with several of the townhouse units from the 100' Critical Area buffer. Any potential non-tidal wetland or buffer impacts will require approvals to be obtained from the Maryland Department of the Environment and a copy provided to the county during Steps II and III.

Relative to the general layout and clustering of the development, the County Commissioners find that the proposed RPC consists of clustered townhouse buildings and minimizing land impacts, especially to environmentally sensitive lands, while maximizing contiguous open spaces. The traffic circulation patterns promote connectivity within the proposed development, and limit access to the public road system to one commercial entrance. A sidewalk is proposed to be provided along the MD Route 707 road frontage for future connections. Internal pedestrian sidewalks are also found on both sides of the proposed private roads. The County Commissioners conclude that the RPC has demonstrated consistency with the general design standards contained in §ZS 1-315(j)(1) through (j)(5).

Regarding the relationship of the RPC's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project: The County Commissioners find that phasing of the project will be done based on market demand, and the recreational areas will be prorated based on the number of units constructed in the individual phases.

Regarding the capacity of the existing road network to provide suitable vehicular access for the RPC, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses: The County Commissioners find that the Step I plan indicates that there will be one point of access for vehicular traffic onto MD Route 707 (Old Bridge Road). Relative to the adequacy of pedestrian and bicycle circulation, the road network appears to serve these functions, and a sidewalk will be provided along the front property line should connectivity be provided for in the future. The County Commissioners conclude that the access point to MD Route 707 (Old Bridge Road) will not have a significantly adverse impact on traffic patterns in the area.

Regarding the relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines: The County Commissioners find that, according to the comments provided by the Department of Environmental Programs, the development is currently served by public sewer via the West Ocean City service area. A total of twenty-eight (28) sewer EDU's are already allocated to the

property. The developer will need to purchase an additional nine (9) sewer EDU's based on the number of proposed units. In addition, the development has the ability to connect to the Mystic Harbour Sanitary Service Area for water and will need to apply to purchase thirty-seven (37) water EDU's.

Based upon their review, the County Commissioners hereby approve the request for the establishment of the residential planned community floating zone for the Shady Side Village RPC.

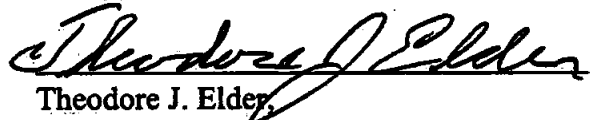
Adopted as of this 16th day of June, 2020. Reduced to writing and signed this 7th day of JULY, 2020.



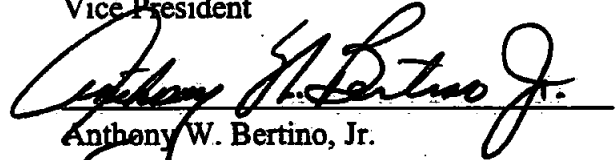
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Chief Administrative Officer



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President



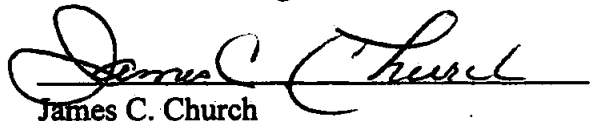
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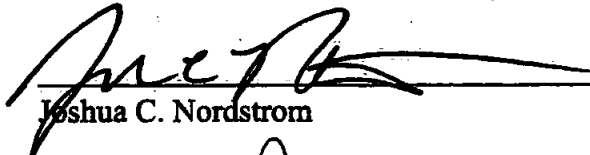
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